

REMARKS

Claim 13 has been amended based upon disclosure herein including that found in lines 14-17 on page 10 of the specification. No new matter is introduced by this Amendment. Inasmuch as claim 13 is the sole independent claim before the Examiner, claims 13-23 as amended are now in the case.

Request for Reconsideration that was filed on December 27, 2001 – which provided a detailed discussion of the prior art rejections of record and of the evidence set forth in the Sakanaka Rule 132 Declaration – is expressly incorporated herein by reference.

The present amendment of claim 13 highlights an important difference between the present invention and the teachings of Broderick et al. In the Broderick technology, sweetener is impregnated in pores for controlled release. In direct contrast, the functional food material in the present invention consists of substances which are **not** to be released from pores. Thus modification of the Mitsuya disclosure in view of the Broderick disclosure does not provide the present invention.

The Examiner is invited to contact Richard Gallagher, Registration No. 28,781, at (703) 205-8008 to discuss any aspect of the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit

Appl. No.: 09/423,085

Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Version with Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

The claims have been amended as follows:

13. (Amended) A powder composition, characterized in that the powder composition comprises delipidated egg yolk particles and a functional food material, which functional food material is selected from the group consisting of substances that have undesirable flavor and substances that are susceptible to deterioration, the functional food material being impregnated in pores of the delipidated egg yolk particles, and wherein an angle of repose is 60° or less, as measured under the conditions of the water content of $5 \pm 2\%$, relative humidity of 40%, and a temperature of 25°C.